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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,723	12/11/2003	Ben Eynon	67493/64	8567
1912	7590	08/11/2006	EXAMINER	
AMSTER, ROTHSTEIN & EBENSTEIN LLP 90 PARK AVENUE NEW YORK, NY 10016			ROSASCO, STEPHEN D	
			ART UNIT	PAPER NUMBER

1756

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,723

Applicant(s)

EYNON, BEN

Examiner

Stephen Rosasco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 7-12, 25-36 and 48-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-24 and 37-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/03, 1/21/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Detailed Action

Applicant's election without traverse of Group I (claims 1-6, 13-24 and 37-47) in the reply filed on 1/06/06 is acknowledged.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tzu et al. (6,720,116).

Tzu et al. teach a method for forming a photolithography mask and pellicle wherein both mask substrate and pellicle are formed of the same transparent hard material, such as fluorine doped silica, which is highly transmissive in the required wavelength range.

Tzu et al. also teach a method for forming a photolithography mask wherein a mask repair step is a FIB repair step commonly in use within the practice of the prior art, yet wherein the gallium ion staining, which is disadvantageous in the prior art, is actually used for the process of forming the opaque regions of the mask through the etched metallic regions.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 13-24 and 37-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzu et al. (6,720,116) in view of Kozlovsky et al. (6,859,330) and Hamada et al. (5,597,669).

The claimed invention is directed to a photomask comprising a fused silica pellicle, which is mounted such that it is in intimate contact with a mask pattern surface on a substrate. The fused silica pellicle needs no frame as it is fixed directly to the mask surface with a fillet bead 27 around the edge. The fused silica pellicle may be affixed using adhesives which are well known in the art, which may include, e.g., SAG, acrylics and SEBs.

Tzu et al. teach a method for forming a photolithography mask and pellicle wherein both mask substrate and pellicle are formed of the same transparent hard material, such as fluorine doped silica, which is highly transmissive in the required wavelength range.

Tzu et al. also teach a method for forming a photolithography mask wherein a mask repair step is a FIB repair step commonly in use within the practice of the prior art, yet wherein the gallium ion staining, which is disadvantageous in the prior art, is actually used for the process of forming the opaque regions of the mask through the etched metallic regions.

The teachings of Tzu et al. differ from those of the applicant in that the applicant teaches the use of different mask patterns on the mask, the use of adhesives for bonding the pellicle to the mask and the use of silicon nitride for the pellicle membrane.

Kozlovsky et al. teach the use of silicon nitride for the pellicle membrane.

Hamada teach that the pellicle frame is coated with a pressure-sensitive adhesive so as to facilitate securing of the pellicle frame on the proper position of the photomask when the pellicle is mounted on the photomask.

It would have been obvious to one having ordinary skill in the art to take the teachings of Tzu et al. and combine them with the teachings of Kozlovsky et al. and Hamada et al. in order to make the claimed invention because the applicant is using mask pattern types and materials known in the art to be used in a similar arrangement.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stephen Rosasco whose telephone number is (571) 272-1389. The Examiner can normally be reached Monday-Friday, from 8:00 AM to 4:30 PM. The Examiner's supervisor, Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Rosasco
Primary Examiner
Art Unit 1756

S. Rosasco
08/03/06